



CITY OF NOVI CITY COUNCIL
MAY 24, 2021

SUBJECT: Acceptance of a sidewalk easement from Novi Office Development, LLC along the west side of Haggerty Road south of Thirteen Mile Road for the Hillside Investments office building (parcel 50-22-12-200-057).

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

BACKGROUND INFORMATION: The Engineering Division requests acceptance of the sidewalk easement for the portion of sidewalk that meanders outside of the Haggerty Road right-of-way due to construction barriers. This portion of sidewalk was not constructed within the right-of-way due to difficult grade changes and conflict with an existing culvert.

The enclosed easement has been favorably reviewed by the City Attorney (Beth Saarela, September 9, 2020) and the exhibit was created by the City's Engineering consultant (Spalding DeDecker, September 2, 2020). The sidewalk easement is recommended for approval.

RECOMMENDED ACTION: Acceptance of a sidewalk easement from Novi Office Development, LLC along the west side of Haggerty Road south of Thirteen Mile Road for the Hillside Investments office building (parcel 50-22-12-200-057).

Hillside Investments Office Building Sidewalk Easement

Location Map

Thirteen Mile Rd

Haggerty Rd



Hillside Investments Office Building
50-22-12-200-057

Variable Width Sidewalk Easement

Map Author: Kate Richardson
Date: 05/12/2021
Project: Hillside Investments Office Building
Version: 1.0

Amended By:
Date:
Department:

MAP INTERPRETATION NOTICE

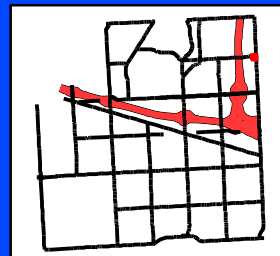
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

- Major Roads
- Minor Roads

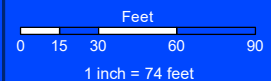
Right of Way

- Dedicated
- Prescriptive
- Private
- Subject Parcel



City of Novi

Engineering Division
Department of Public Works
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org



ELIZABETH KUDLA SAARELA
esaarela@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
www.rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

September 9, 2020

Jeffrey Herczeg, Director of Public Works
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**Re: Hillside Office Center JSP 17-0084
Acceptance Documents**

Dear Mr. Herczeg:

We have received and reviewed the following on-site documents serving the Hillside Office Center Development, and have the following comments:

- Water System Easement (**Approved**)
- Sanitary Sewer System Easement (**Approved**)
- Sanitary Sewer Access Easement (**Approved**)
- Bill of Sale – Water and Sanitary Sewer (**Approved**)
- Sidewalk Easement (**Approved**)
- Title Commitment

Water and Sanitary Sewer System Easements

Novi Office Development, LLC, Developer, pursuant to Article IX, Section 9.4 of the Master Deed for Hillside Office Center Condominium, seeks to convey the on-site Water, Sanitary Sewer System Easement and Sanitary Sewer Access Easement and corresponding Bill of Sale for water and sanitary sewer system improvements to the City. All Co-Owners and Mortgagees of the Units have consented to the conveyance as set forth in Section 9.4. The Easements are consistent with the title commitment provided. The exhibits have been reviewed and approved by the City's Consulting Engineer.

Once accepted by Affidavit of the City Engineer, the Easements should be recorded with the Oakland County Register of Deeds in the usual manner. The title search and Bill of Sale should be retained in the City's file.

Sidewalk Easement

The Sidewalk Easement is in the City's standard format and is consistent with the title commitment provided. The Sidewalk Easement exhibits have been reviewed and approved by the City's

Jeffrey Herczeg, Director of Public Works
City of Novi
September 9, 2020
Page 2

Consulting Engineer. The Sidewalk Easement may be placed on an upcoming City Council agenda for acceptance. Once accepted, it should be recorded with the Oakland County Register of Deeds.

Please feel free to contact me with any questions or concerns in regard to this matter.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS

Enclosures

- C: Cortney Hanson, Clerk (w/Original Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, City Planner (w/Enclosures)
Lindsay Bell, Planner (w/Enclosures)
Madeleine Kopko, Planning Assistant (w/Enclosures)
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)
Angie Sosnowski, Community Development Bond Coordinator (w/Enclosures)
Ben Croy, City Engineer (w/Enclosures)
Kate Richardson, Plan Review Engineer (w/Enclosures)
Victor Boron, Civil Engineer (w/Enclosures)
Rebecca Runkel, Staff Engineer (w/Enclosures)
Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
David Hardin, Hillside Investments (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Novi Office Development, LLC (“Grantor”), whose address is 47075 Five Mile Road, Plymouth, Michigan 487170, for and in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys to the City of Novi, a Michigan Municipal Corporation (“Grantee”), whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, being exempt pursuant to MCLA 207.505(a), and MCLA 207.526 (a) a non-exclusive permanent easement for a public walkway over, across and through property located in Section 12, T.1N., R.8E., City of Novi, Oakland County, State of Michigan (the “Property”), more particularly described as follows:

Parcel and Parcel 2 on **Exhibit A** attached hereto and incorporated herein

The non-exclusive permanent easement for the public walkway (the “Sidewalk Easement Area”) is more particularly described as follows:

Sidewalk Easement depicted on and legally described on **Exhibit A** attached hereto and incorporated herein

Grantee may enter upon sufficient land adjacent to said easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain the Sidewalk Easement Area.

Grantor agrees not to build or to convey to others permission to build any structures or improvements on, over, across, in, through, or under the above-described easement.

This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

This easement shall allow public pedestrian and non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the Sidewalk Easement Area, in accordance with the terms hereof.

Exempt pursuant to MCLA 207.505(a)
And MCLA 207.526(a)

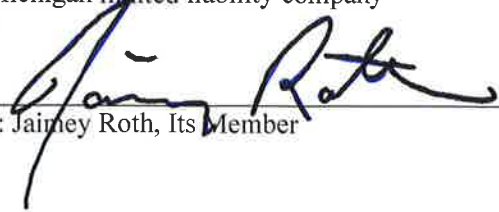
This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 20 day of August, 2020.

{Signature begins on following page}

Signed by:

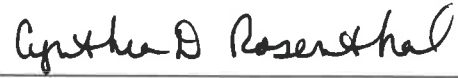
Novi Office Development, LLC,
a Michigan limited liability company


By: Jaimey Roth, Its Member

STATE OF MICHIGAN)
) SS
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 20th day of August, 2020 by Jaimey Roth, member, Novi Office Development LLC

CYNTHIA D. ROSENTHAL
Notary Public, State of Michigan
County of Oakland
My Commission Expires 06-23-2022
Acting in the County of oakland

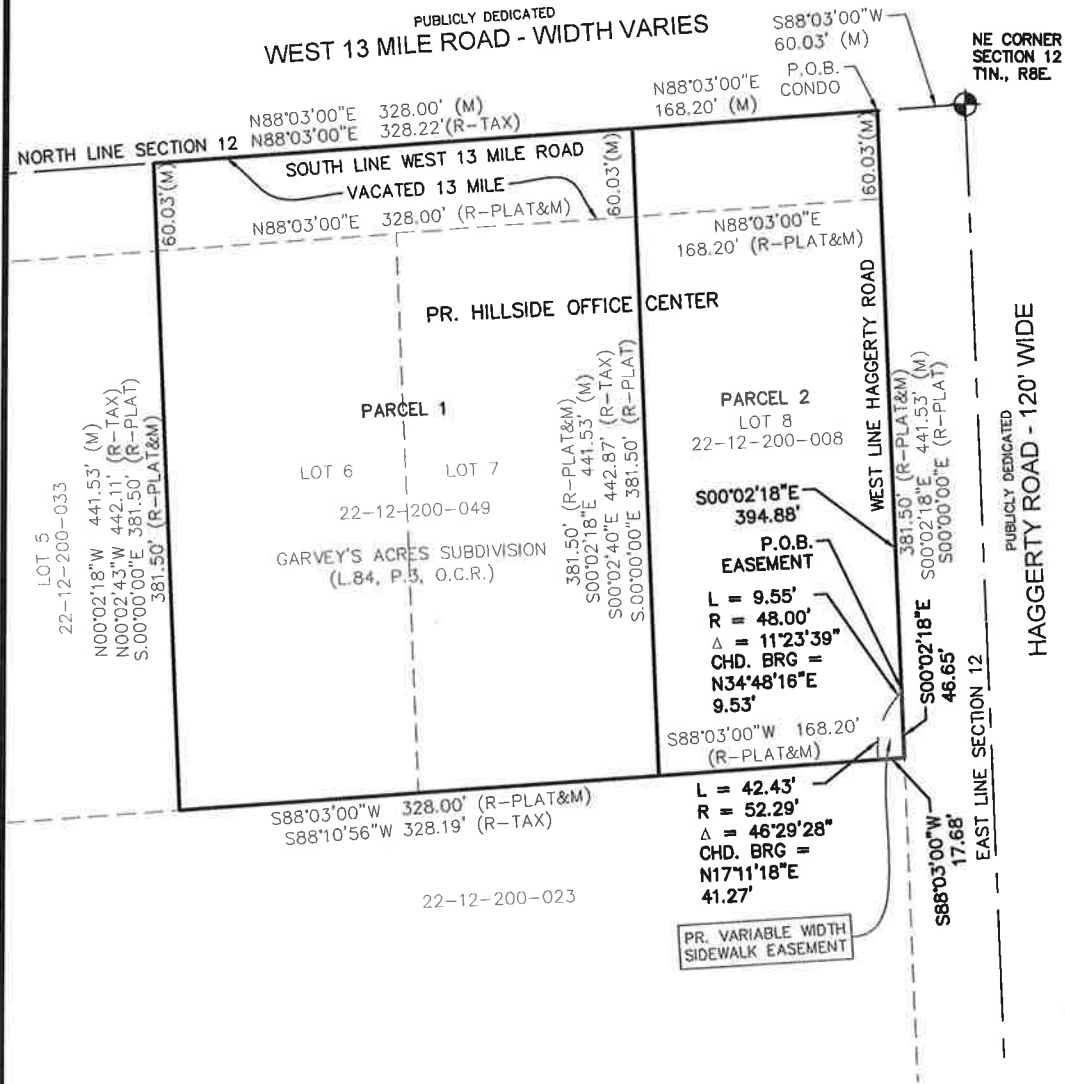
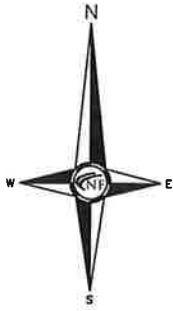

Notary Public
Acting in Oakland County, MI
My Commission Expires: 6-23-2022

When recorded return to:

Cortney Hanson, Clerk
City of Novi
45175 W. Ten Mile Road.
Novi, MI 48375

EXHIBIT A

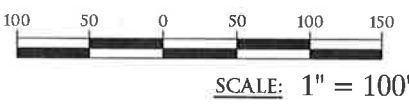
SIDEWALK EASEMENT (SKETCH)



STATE OF MICHIGAN
 PATRICK J. WILLIAMS
 ENGINEER
 NO. 44351
 PROFESSIONAL ENGINEER

Patrick J. Williams

NOWAK & FRAUS ENGINEERS
 46777 WOODWARD AVE.
 PONTIAC, MI 48342-5032
 TEL. (248) 332-7931
 FAX. (248) 332-8257



DATE 05-29-2018 DRAWN AJE JOB NO. 1897 SHEET 1 of 2

EXHIBIT A

SIDEWALK EASEMENT (LEGAL DESCRIPTIONS)

LEGAL DESCRIPTION - PARCEL 1

LAND LOCATED IN THE COUNTY OF OAKLAND, CITY OF NOVI, STATE OF MICHIGAN AND DESCRIBED AS FOLLOWS:

LOTS 6 AND 7 AND THE SOUTH 60 FEET OF VACATED THIRTEEN MILE ROAD ADJACENT TO SAME OF GARVEY'S ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 84 OF PLATS, PAGE 3 OF OAKLAND COUNTY RECORDS.

P.I.N.: 22-12-200-049

LEGAL DESCRIPTION - PARCEL 2

LAND LOCATED IN THE COUNTY OF OAKLAND, CITY OF NOVI, STATE OF MICHIGAN AND DESCRIBED AS FOLLOWS:

LOT 8 AND THE SOUTH 60 FEET OF VACATED THIRTEEN MILE ROAD ADJACENT TO SAME OF GARVEY'S ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 84 OF PLATS, PAGE 3 OF OAKLAND COUNTY RECORDS.

P.I.N.: 22-12-200-008

LEGAL DESCRIPTION - PROPOSED CONDOMINIUM

LOTS 6, 7 AND 8 AND THE SOUTH 60 FEET OF VACATED 13 MILE ROAD ADJACENT THEREOF, OF GARVEY'S ACRES SUBDIVISION, OF PART OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 84 OF PLATS, ON PAGE 3, OAKLAND COUNTY RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE SOUTH 88 DEGREES 03 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 12, 60.03 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 8, 441.53 FEET (RECORDED AS: SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST) TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 88 DEGREES 03 MINUTES 00 SECONDS WEST, 496.20 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTH 00 DEGREES 02 MINUTES 18 SECONDS WEST (RECORDED AS: NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST), 441.53 FEET TO THE INTERSECTION OF THE WEST LINE OF SAID LOT 6, AS EXTENDED, AND THE NORTH LINE OF SAID SECTION 12; THENCE NORTH 88 DEGREES 03 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 12, 496.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 218,967 SQUARE FEET OR 5.03 ACRES OF LAND.

LEGAL DESCRIPTION - SIDEWALK EASEMENT

A VARIABLE WIDTH SIDEWALK EASEMENT BEING PART OF LOT 8 OF GARVEY'S ACRES SUBDIVISION, PART OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 84 OF PLATS, ON PAGE 3, OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE SOUTH 88 DEGREES 03 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 12, 60.03 FEET TO THE WEST LINE OF HAGGERTY ROAD; THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST, 394.88 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST, 46.65 FEET; THENCE SOUTH 88 DEGREES 03 MINUTES 00 SECONDS WEST, 17.68 FEET; THENCE 42.43 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 52.29 FEET, CENTRAL ANGLE OF 46 DEGREES 29 MINUTES 28 SECONDS, AND CHORD BEARING NORTH 17 DEGREES 11 MINUTES 18 SECONDS EAST, 41.27 FEET; THENCE 9.55 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 48.00 FEET, CENTRAL ANGLE OF 11 DEGREES 23 MINUTES 39 SECONDS, AND CHORD BEARING NORTH 34 DEGREES 48 MINUTES 16 SECONDS EAST, 9.53 FEET TO THE POINT OF BEGINNING.

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

Revised: 07-30-2020

DATE	DRAWN	JOB NO.	SHEET
05-29-2018	AJE	1897	2 of 2

September 2, 2020

Ben Croy
City of Novi
26300 Lee BeGole Drive
Novi, Michigan 48375

Re: Hillside Investments Office Building - Acceptance Documents Review
Novi # JSP17-0084
SDA Job No. NV19-202
EXHIBITS APPROVED

Dear Mr. Croy:

We have reviewed the Acceptance Document Package received by our office on September 2, 2020 against the Final Site Plan (Stamping Set) approved on June 11, 2018 and our field records. We offer the following comments:

Final Acceptance Documents:

The following items must be provided prior to the issuance of a Temporary Certificate of Occupancy. All documents must be completed using black ink as the County will reject them otherwise.

1. On-Site Water System Easement
Executed August 20, 2020
Legal Description Approved
2. On-Site Sanitary Sewer Easement
Executed August 20, 2020
Legal Description Approved
3. Sanitary Sewer Manhole Access Easement
Executed August 20, 2020
Legal Description Approved
4. Storm Drainage Facility / Maintenance Easement Agreement
Executed August 20, 2020
Legal Description Approved
5. Sidewalk Easement
Executed August 20, 2020
Legal Description Approved
6. Bills of Sale: Sanitary Sewer System and Water Supply System
Executed August 24, 2020
7. Full Unconditional Waivers of Lien from contractors installing public utilities
Provided
8. Sworn Statement signed by Developer
Provided

Unless otherwise stated above, the documents as submitted were found to be acceptable by our office pending review by the City Attorney. Legal review will not occur until a current title policy is submitted to the City. For those documents which require revisions, please forward those revised documents to the City for further review and approval.

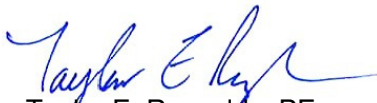
The City Attorney's Office will retain the original documents in their files until such time as they are approved and ready (notarized and executed properly) for the Mayor's signature.

It should be noted that the Plan Review Center Report dated May 22, 2018 contains all documentation requirements necessary prior to construction and occupancy of the facility.

If you have any questions regarding this matter, please contact this office at your convenience.

Sincerely,

SPALDING DEDECKER



Taylor E. Reynolds, PE
Project Coordinator

Cc (via Email): Victor Boron, City of Novi
 Michael Freckelton, Spalding DeDecker
 Courtney Hanson, City of Novi
 Madeleine Kopko, City of Novi
 Sarah Marchioni, City of Novi
 Ted Meadows, Spalding DeDecker
 Kate Richardson, City of Novi
 Beth Saarela, Rosati, Schultz, Joppich, Amtsbuechler
 Angie Sosnowski, City of Novi